

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Sri. S S Nakul, I.A.S
Deputy Commissioner,
Uttar Kannada, Karwar.

No. RB/RTR/CR-32/15-16

Between

1. Sri. Riyaz Ahmed S/o Ismail Sirsi
R/o Nehrunagar Tq:Sirsi
2. Smt. Mamta W/o Riyaz Ahmed Sirsi
R/o Nehrunagar Tq:Sirsi
(Represented through Advocate Sri A.R.Hegde & H.R. Hegde)

.... Revision Petitioners

V/s

1. Sri. Nazir Ahmed Mohammed Ali Chouti
R/o Shivaji Chowk Tq:Sirsi
2. Tahashildar Sirsi
3. Assistant Commissioner, Sirsi
(R1 is Represented through Advocate Sri. S. A. Khaji)

.... Respondent

Sub: Revision petition filed u/s 136(3) of KLR Act 1964 against the Mutation Entry no. 48/10-11 in respect of Sy no. 102 an extent of 11-11-0 (A-G-A) of Terkanahalli in Sirsi Taluk.

Preamble:

The instant revision petition has been filed against the order of Assistant Commissioner, Sirsi in file no. RRT-AP-CR-01/12-13 dated: 30-6-2014. Notices were issued to both parties.

The brief facts of the case are as follows:

The revision petitioners have purchased the suit property through registered sale deed dated: 28-4-2010 from respondent no.1. Due to some mistake in the registered sale deed it was rectified on 2-5-2010. But in the case O.S. No. 3/11 the Senior Civil Judge Sirsi issued Temporary Injunction against the revision petitioners and respondent no.3 in respect of the suit property. The revision petitioners moved application to Tahashildar to enter their name in the RTC as per registered Sale deed. But as per the court order Tahashildar Sirsi certified the Mutation Entry no. 48/10-11 by notifying the stay order in column 11 of the RTC. Against the certification of this entry Revision petitioners filed appeal before Assistant Commissioner, Sirsi and who in his order dated 30-6-2014 dismissed the appeal. Being aggrieved by this order the revision petitioners filed the instant revision petition before this court.

The advocate for the appellant by producing the copy of the court order argued that

1. O.S. No. 3/11 filed before Senior Civil Judge against the revision petitioners is got dismissed on 6-9-2016 and requested to set aside order of Assistant Commissioner, Sirsi.

After perusal of the Lower Court records and written argument of the petitioner it reveals that the petitioners have purchased the suit property from the respondent through registered sale deed. But Romao Fernades and two others filed O. S. No. 3/2011 before Senior Civil Judge Court Sirsi against the

petitioners and respondent. And the Civil Judge issued Temporary Injunction in respect of the suit property. So Tahashildar Sirsi certified the Mutation Entry No. 48/10-11 as per the court order. But the petitioners requested to enter their names on the basis of registered sale deed. Now the O.S. No. 3/11 filed against the petitioners is got dismissed. The petitioners name can be entered in the RTC of Sy no. 102 of Bachgaov village of Sirsi taluka. Hence I proceed the following order.

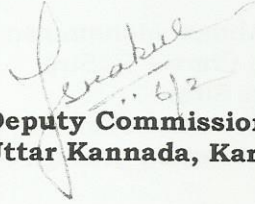
No. RB/RTR/CR-32/15-16

Date: 06-02-2017

Order

Appeal is allowed and Tahashildar to mutate as per registered sale deed no. 217/10-11 dated: 28-4-2010 read with correction deed no. 249/10-11 dated: 4-5-2010.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 06-02-2017)


**Deputy Commissioner,
Uttar Kannada, Karwar**